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**REVIEW PETITION No. R.P/002/2021**  
**IN APPEAL PETITION No: P-010/2021**

**(Present: A.S. Dasappan)**

**Dated: 15<sup>th</sup> November 2021**

Review Appellant : Sri. Radhakrishnan Vandothra  
Vandothra, Alamthuruthy P.O.,  
Thiruvalla,  
Pathanamthitta Dist. 689113

Review Respondent : Asst. Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Thengana, Kottayam Dist.

**ORDER**

**Background of the case:**

The gist of the appeal petition preferred by the appellant / review appellant before this Authority is as follows:

The appellant is a consumer of Electrical Section, Thrikkodithanam with consumer number 1146401010590 under LT IA domestic tariff having a connected load of 14885 watts. The bimonthly meter reading in the premises was taken on 22-06-2019 and for further bi-months 08/2019, 10/2019, 12/2019 & 02/2020 readings were not available, the reason said to be "Gate was locked" as per respondent. As such bills for the above months were issued based on the previous month's average consumption. In 04/2020 also, the reading could not be taken by the respondent due to the restriction imposed in the "Lockdown" period and hence, issued the bill on average basis. After taking meter reading on 23-06-2020, the respondent issued a bill for Rs.1,00,750/- deducting the amount remitted by the appellant. Against the above, the appellant filed a petition before Consumer Grievance Redressal Forum(CGRF), Southern Region, Kottarakkara vide OP No.57/2020 and the Forum in its order dated 21-12-2020

dismissed the petition allowing instalment facility to remit the amount.

Aggrieved by the order of CGRF, the appellant filed the appeal petition before this Authority. The appellant's plea to quash the bill is rejected by this Authority and upheld the decision taken by the CGRF, Southern Region in OP No.57/2020 dated 21.12.2020 and issued order accordingly. Not satisfied with the order of this Authority in Appeal Petition P-010/2021 dated 12-07-2021, the review appellant filed Review Petition vide R.P/002/2021.

**Arguments of the appellant:**

The appellant noticed the major concerns highlighted in the appeal petition was not addressed by the respondent. Please be found the same stated as below for the kind perusal.

1. KSEB bill No. 4640200812249 dated 21/08/2020.

The respondent's argument as per page number 6 of the order the bill is system generated. The appellant strongly deny that it is not a system generated bill. It is nothing but a fabricated bill due to the following:-

The Initial Reading (IR) is 39696 and Final Reading (FR) is also remained same as 39696. Units stated on the bill is 2011. If the IR and FR were correct, it was supposed to be 0 (FR 39696 — IR 39696). Previous reading date in this bill was stated as 22/12/2020 which is impossible for a bill dated 21/08/2020.

Energy charges for this 2011 unit was mentioned as Rs. 6233.92, whereas bill no. 4640201013042 dated 20/10/2020 energy charges for 2011 units was mentioned as RS. 15887 (More than double of bill No. 4640200812249 dated 21/08/2020). Net payable amount for this bill was stated as Rs. 35706 whereas bill no. 4640201013042 dated 20/10/2020 net payable amount is remained the same as Rs. 35706, though we have not made any payment in between. The arrears shown in this bill was Rs. 35706.

2. Bill no. 4640201013042 dated 20/10/2020. This bill is also not a system generated bill but a fabricated bill due to the following reasons:-

Initial Reading (IR) in this bill was stated as 39696 and Final Reading (FR) was stated as 43718. But the number of units stated was 2011 which is wrong, it was supposed to be 4022 (FR 43718 — IR 39696). The bill date is 20/10/2020 where the previous reading date was written as 22/12/2020. Energy charges for 2011 units as per this bill was Rs. 15887.61, whereas the bill No. 4640200812249 dated 21/08/2020 was Rs. 6233.92. The net payable amount for this bill is also Rs. 35706 which is the same as bill No. 4640200812249 dated 21/08/2020. The payment of Rs. 13893 dated 29/01/2021 is also reflected in this bill which is another miracle. In this bill the arrears were shown as Rs. 24552 whereas the net payable amount on the previous bill was Rs. 35706.

3. Bill no. 4640201215039 dated 22/12/2020.

The arrears of this bill were stated as Rs. 133174 whereas the previous bill net payable was stated as Rs. 35706 which was supposed to be the arrear of this bill. The net payable amount as per this bill was stated as Rs. 147067. As per the net payable amount stated in the previous bill, this bill amount was supposed to be Rs. 49599 (total amount of this bill as per item no. e was Rs. 13893 + net payable amount Rs. 35706 of the previous bill no. 4640201013042 dated 20/10/2020). The appellant got the above three bills from the AExE by WhatsApp on 29/1/2021 after they disconnected the power supply to the home.

4. Other concerns stated on the appellant's petition dated 03/02/2021 as para no. 16 and 17 were also not responded by KSEB.
5. During this hearing on 07-04-2021, the appellant requested to direct KSEB to conduct a testing for the meter by installation of a parallel meter and inform the appellant one day in advance to enable to organize a technician to be witnessed. Further, the appellant requested to direct KSEB to provide copy of the bills for the period of January 2019 to 31/03/2021. Even after verbal direction in the hearing, nothing was done by the KSEB concerned till date to provide the copy of the bills and finally sent a request to the public information office as per RTI on 25-08-2021, but a proper reply was not received from the respondent.

6. KSEB served a notice by hand on 26/08/2021 requesting to remit the disputed amount and other pending bills which we put on hold to verify the copy of the bills which the appellant had requested for.

In view of the above, the disputed bill amount and the pending bills for this year are certainly an exorbitant amount due to the errors which we had highlighted on the above three bills. Also, the appellant is quite sure that the bills that the appellant had requested for the period of January 2019 to August 2021 must be having some serious errors like the above three bills. Therefore, it is requested to review the petition by redirecting the KSEB to honor the verbal direction given during the hearing on 07/04/2021 for the copy of the bills and installation of the parallel meter.

**Arguments of the respondent:**

As per Regulation 124 of the Kerala Electricity Supply Code, if the reading cannot be taken on that date, owing to reasons like closing down of the gate of the premises during the visit of meter reader, the bill is to be issued for two months consumption on the basis of the average consumption for previous 6 months. This estimation of bill amount on average consumption will be adjusted in the next bimonthly bill, so that consumer's interest is not at all affected adversely. Here in this case the final reading noted in 22/06/2019 was 24155 units. For the period from 8/2019 to 2/2020 as the gate was locked, meter reader could not enter the appellant's premises and taking energy meter reading was not possible. Hence, Door Lock average bills were issued to the appellant up to 02/2020. The meter reading could not be taken in the subsequent billing cycle 03/2020 as scheduled, due to the prevalence of Covid-Containment guidelines issued by Central Government. Hence centralized Door lock bill was issued during 4/2020 due to COVID-19. In the next billing cycle, on 23/06/2020 the final reading noted was 39696 units and therefore for the period from 06/2019 to 06/2020 is  $39696 \text{ units} - 24155 \text{ units} = 15541 \text{ units}$ . This total consumption for the entire period of twelve months were divided into equal units for six billing cycles for system hilling as KSEBL is adopting bi monthly billing system.

The calculation details are as below:

|   |   |                      |  |
|---|---|----------------------|--|
| Final Reading of 6/2020                             | - | 39696 units          |  |
| Final Reading of 6/2019                             | - | 24155 units          |  |
| Difference  | - | <u>15541 units</u>   |  |
| Bi-monthly consumption                              | - | 2590 units           |  |
| Bimonthly amount (system generated)                 | - | Rs. 22,879/-         |  |
| Amount payable for the period from 8/2019 to 6/2020 | - | Rs.1,37,274/-        |  |
| Less: Paid amount from 8/2019 to 4/2020             | - | Rs. 35,167/-         |  |
| Less: CD interest credited on 4-6-2020              | - | <u>Rs. 1,357/-</u>   |  |
| Balance to be paid during 6/2020                    | - | <u>Rs.1,00,750/-</u> |  |

All these actions were taken procedurally and statutorily. Hence the complaint is not maintainable either in law or on facts. It is also reported that an amount of Rs.3,237/- towards Covid-19 Govt. Subsidy is credited to the appellant on 23-8-2020.

The State Electricity Ombudsman has reviewed all the concerns from item no. 1 to 5 mentioned in the review petition highlighted by the appellant in the hearing corresponding to appeal petition conducted on 07.04.2021.

Apart from the disputed amount of Rs.100750/-, the remittance of regular current charges of Rs 35706/- for the billing month of 10/2020 to 12/2020, regular current charges of Rs 17968/- for the billing month of 2/2021, regular current charges of Rs 22739/- for the billing month of,4/2021, regular current charges of Rs 21988/- for the billing month of 6/2021, regular current charges of Rs 14377/- for the billing month of 8/2021 is still pending.

As requested by the appellant for providing bill copies through WhatsApp and under RTI, the respondent sent the bill copies from 01/2019 to 12/2019 to the appellant by registered post on 01-09-2021.

It is also reported that an amount of Rs.971/- towards SD interest is credited to the appellant on 28-5-2021.

Consolidating above, the remittance of regular current charges of Rs.111807/- plus surcharge after adjusting the SD interest, apart from disputed amount of Rs 100750/- is pending.

The basic contentions raised by the appellant in the review petition and appeal petition remains the same, also the contentions has been fairly appreciated by the State Electricity Ombudsman in the appeal petition and ordered to uphold the order of CGRF, rejecting the appellant's plea to quash the bill.

Based on the facts explained, it is evident that the respondent has acted by the law and there was no deficiency on the part of Licensee in discharging duties. The appellant raises vague allegations and is misleading the Forum. The appellant has no intention to pay the pending regular current charges even after repeated requests from section office. Therefore, it is prayed that this Authority may dismiss the review petition with cost to the respondent.

**Analysis and findings:**

An online hearing was conducted at 3 PM on 06-11-2021 with prior intimation to both the appellant and the respondent. Sri. Radhakrishnan Vandothra, the appellant and Smt. Renimol Sreedharan, Assistant Executive Engineer, Electrical Subdivision, Thengana from the respondent's side attended the hearing. On examining the petition, the counterstatement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The request made by the review appellant in the Appeal Petition P-010/2021 was to make void the exorbitant disputed bill for Rs.1,00,750/- and to waive the remaining due amount, if any. After analyzing the appeal and rejected by this Authority in the order dated 12-07-2021. In the review petition filed by the appellant, the requirement is further review of the exorbitant bills, for getting copies of the electricity bills from January 2019 to August 2021 and for providing a parallel meter with the premises meter.

In the reply to the review petition, the respondent stated that the electricity bill copies from January 2019 to December 2019 were sent to the review appellant by registered post on 01-09-2021. The energy meter readings could not be taken by the respondent on the due date since the gate to the premises

was in locked position. Apart from the disputed bill amount for Rs.1,00,750/-, the review appellant made a continuous default of payment from 10/2020 to 08/2021, accumulating the bill amount to Rs.1,11,807/- + surcharge. An amount of Rs.971/- towards the interest of Security Deposit was credited to the account of the review appellant.

The meter readings and consumptions were discussed in the order dated 12-07-2021 of this Authority in Appeal Petition P-010/2021 filed by the review appellant. The relevant portion of the order is as follows:

“On going through the meter reading details the timely readings are not seen taken from 08/2019 to 04/2020. The consumption for 15541 units is the consumption from 22-06-2019 to 23-06-2020, i.e. for 6 bimonthly spot bills. As such the bimonthly average consumption is 2590 units. Again, the meter reading was not taken in 08/2020 and based on the reading in 10/2020, the bimonthly consumption is 2011 units. The bimonthly consumption from 20-10-2020 to 22-12-2020 is 1560 units and from 22-12-2020 to 22-02-2021 is 2029 units. On examining consumption for 16 months prior to 04/2019, it varies from 1084units to 2612 units. Moreover, the energy meter in the premises is seen replaced on 23-02-2021 with a meter with ToD facility. The consumption recorded in the ToD meter for a bi-month from 23-02-2021 to 21-04-2021 is 2634 units (consumption for 12 hours from 6 AM to 6 PM in the normal period is 1078 units, consumption for four hours from 6 PM to 10 PM in peak period is 334 units and for 8 hours from 10 PM to 6 AM in off peak period is 1222 units). From the consumption pattern, it is seen that the consumption in OFF peak period from 10 PM to 6 AM is higher than the consumption in the other two durations. The consumption in a premises is determined by the quantum of load connected to the network and the duration of its operation or functioning.”

Regarding the non-receipt of the copies of electricity bills, the respondent revealed in the hearing that the copies were sent to the review appellant by registered post. Regarding testing of energy meter with a parallel meter, such a request had not been made in the appeal petition P-010/2021. But, now also it is free to approach the Licensee for testing the energy meter as per the relevant regulations in the Kerala Electricity Supply Code 2014.

In the review petition nothing is pointed out which escaped from the notice of this Authority while disposing the appeal petition. The review jurisdiction is limited to rectify a mistake or an error which is apparent on the face of records. This Authority has considered all the arguments while disposing the Appeal Petition. In this background, this Authority did not find any reason to intervene the order already issued.

**Decision: -**

In view of the above discussions, I hold that review petition is not maintainable and hence, dismissed.

**ELECTRICITY OMBUDSMAN**

R.P/002/2021/\_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Sri. Radhakrishnan Vandothra, Vandothra, Alamthuruth P.O., Thiruvalla, Pathanamthitta Dist. 689113
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Thengana, Kottayam Dist.

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.